

SENATE BILL 2756

By Bell

AN ACT to amend Tennessee Code Annotated, Title 10,  
Chapter 7, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as a new subsection:

(h)

(1)

(A) It is the intent of this subsection (h) to facilitate prompt and timely access to citizens to public records related to public meetings and to other basic government information.

(B) This subsection (h) does not apply to a governmental entity during an emergency, as that term is defined in § 58-2-101, to the extent that the emergency directly impacts the governmental entity. After an emergency ceases to exist, the impacted governmental entity shall resume compliance with this subsection (h) as soon as reasonably practicable.

(C) The public access requirements of this subsection (h) are in addition to public notice requirements under existing law. Compliance by a governmental entity with this subsection (h) must not be construed to satisfy public notice requirements under existing law.

(2)

(A) No later than January 1, 2021, and except as otherwise provided in subdivision (h)(2)(B)(i), a governing body shall make available to the public:

(i) The agendas of upcoming meetings in a place accessible to the public for a period of at least three (3) days prior to a meeting; and

(ii) Any supplemental meeting documents, which may be referred to as board packets, for upcoming meetings in a place accessible to the public for a period of three (3) days prior to a meeting if the supplemental meeting documents have been created or provided to members of the governing body. If supplemental meeting documents have not been created or provided to members of the governing body at least three (3) days prior to the meeting, the supplemental meeting documents must be made publicly accessible as soon as possible upon creation, but prior to the meeting.

(B)

(i) For governing bodies of governmental entities that maintain a website, agenda and supplemental meeting documents must be posted on its website. A governing body that posts its agenda and supplemental meeting documents on its website in accordance with this subdivision (h)(2)(B)(i) satisfies the requirements to make the agenda and supplemental meeting documents accessible to the public under subdivision (h)(2)(A).

(ii) Agendas must clearly describe specific matters to be discussed or under contemplation for a vote.

(C) As used in this subdivision (h)(2), "three (3) days" means at least regular business hours for three (3) consecutive days, including holidays, weekends, and the day of the meeting if the meeting is held after regular business hours.

(3)

(A) No later than January 1, 2021, a governmental entity shall maintain and disclose the following basic government information in a place that is accessible to the public during regular business hours, and, if the governmental entity maintains a website, on its website:

(i) A list and the contact information of elected officials and the members of each governing body;

(ii) Minutes of at least the twelve (12) most recent meetings of each governing body;

(iii) The comprehensive annual financial report, and other annual financial reports and audits of the governmental entity that are required to be produced by law, from the most recent five (5) years, including additional summaries or information provided by a governmental entity that provide explanation and context to the financial reports;

(iv) The charter or other organizing or governing documents of the governmental entity and governing body, as applicable;

(v) Policies, rules, ordinances, and resolutions governing the public meetings, public hearings, and public records of each governing body; and

(vi) The contact information of a person or persons for more information about public meetings, public hearings, and public records of a governmental entity, including the name and telephone number of each such person.

(B) New and updated information and documents identified in subdivisions (h)(3)(A)(i)-(vi) must be disclosed within a reasonable time period from becoming available and must be posted in the same manner as prescribed in subdivision (h)(3)(A) along with existing and prior information already posted.

(4)

(A) Notwithstanding any law to the contrary, a governmental entity shall not charge a person for copies of information or documents made available to the public in accordance with subdivisions (h)(2) and (h)(3).

(B) A governmental entity shall make reasonable, periodic efforts each year to notify the public of the locations, including a website, if applicable, at which a member of the public can freely access information and documents made available to the public in accordance with subdivisions (h)(2) and (h)(3).

(C) A person seeking access to or copies of information or documents described in subdivisions (h)(2) or (h)(3) who is denied access or copies of the information or documents, as applicable, may bring an action in accordance with § 10-7-505 to enforce this section and is entitled to all remedies, including injunctive relief, to which the person may be entitled under § 10-7-505.

(5) As used in this section:

(A) "Governmental entity" means an entity under the control and authority of a governing body; and

(B) "Governing body" has the same meaning as defined in § 8-44-

102.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.